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Charles A. McBrian

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10/31/2008

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/688,062
Filing Date: October 17, 2003
Appellant(s): MCBRIAN ET AL.

Thomas J. Meaney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/31/2008 appealing from the Office action mailed 2/25/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

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The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,792,454

Nakano et al.

9-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (US 6,792,454 B2).

In regard to claim 1, Nakano disclosed:

detecting an index page of said server; column 22, lines 21-29

creating a staging folder within a file system of said server, wherein each staging folder does not default to a directory listing of said file system when accessed; column 2, lines 48-52

inserting a randomized string into a name of said file assets to be staged; and column 8, lines 18-29, lines 52-62

storing said file assets in said staging folder. Column 6, lines 40-58

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In regard to claim 2, Nakano disclosed:

communicating said name with said inserted randomized string to a reviewing party.

Column 6, lines 26-40

In regard to claim 3, Nakano disclosed:

creating a temporary folder to a root directory of said live server; column 7, lines 1-7

writing a page of content to said temporary folder according to one of a plurality of standard addresses; column 7, lines 1-7

attempting to access said temporary folder over hypertext transfer protocol (HTTP) from said server; column 5, line 11

writing said page of content to said temporary folder using another of said plurality of standard addresses when said file cannot be read in said attempting step; and column 6, lines 51-58

validating said one of said plurality of standard addresses when said index page is read back in said attempting step. Column 7, lines 1-7

In regard to claim 4, Nakano disclosed:

said plurality of standard addresses is stored on a memory accessible by a development environment. Column 8, lines 18-37

In regard to claim 5, Nakano disclosed:

generating a blank index file named according to said detected index file; and column 11, lines 6-14

storing said blank index file in said staging folder, wherein said blank index file inhibits default directory listing of said staging folder in said file system. Column 11, lines 16-62

In regard to claim 6, Nakano disclosed:

generating said randomized string prior to said inserting step. Column 11, lines 36-41

In regard to claim 7, Nakano disclosed:

determining a length of said randomized string, wherein said length corresponds to a desired level of security. Column 8, lines 52-62

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Claim 8 has substantially the same limitations as claims 1 and 9.

Claim 9 has substantially the same limitations as claim 3.

Claim 10 has substantially the same limitations as claim 4.

Claim 11 has substantially the same limitations as claim 5.

Claim 12 has substantially the same limitations as claim 6.

Claim 13 has substantially the same limitations as claim 7.

Claim 14 has substantially the same limitations as claims 1 and 5.

Claim 15 has substantially the same limitations as claim 2.

Claim 16 has substantially the same limitations as claim 3.

In regard to claim 17, Nakano disclosed:

retrieving a next index address from said plurality of standard index addresses when said test document is not retrieved during said requesting step; column 9, lines 21-40

writing said test document to said temporary folder using said next index address; column 9, lines 21-40

requesting said next test document from said live Web server; column 9, lines 21-40

marking said next index address valid when said test document is retrieved during said requesting said next index step; and column 9, lines 21-40

repeating from said retrieving said next index step when said next test document is not retrieved during said requesting said next index step. Column 9, lines 21-40

In regard to claim 18, Nakano disclosed:

determining a level of security for said proposed file content; column 8, lines 52-62

establishing a number of characters for said randomized string responsive to said determined level of security; and column 8, lines 52-62

generating a random character for each of said number of established characters.

Column 8, lines 52-62

In regard to claim 19, Nakano disclosed:

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said server serving said file assets to users who access said staging folder. Column 7, lines 1-7

In regard to claim 20, Nakano disclosed:

said staging folder is not discoverable through a default directory listing of said file system by said server. Column 6, lines 40-58; column 7, lines 1-7

(10) Response to Argument

Appellant argues that nothing in Nakano teaches Appellant's invention. On the contrary, Nakano teaches Appellant's exact invention. Appellant's specification states "[t]he present invention is directed to a process for staging file assets, such as Web page changes...on a live Web server. Developers usually create new Web content or effects changes to Web pages using a Web development environment. Those changes are then saved to specific Web files. As the developer completes the development stage, he or she may then make the Web files available for product managers or other reviewing authorities to review and approve the new Web content before allowing those changes or additions to be made available to the public." Specification as originally filed, page 2, paragraph [0004].

Likewise, Nakano states "it is desirable to have a web development system that allows contributors to determine how their changes fit into the entire website without actually posting the changes to the website. Additionally, it is desirable to...allow[s] a webmaster to check on progress of contributors, as well as more easily post changes to a website." Nakano, column 2, lines 25-35. "Changes by a contributor in one work area do not affect the website." Nakano, column 6, lines 22-23. Nakano is the equivalent web development environment of Appellant's invention.

Appellant argues that Nakano fails to disclose a live server or a live Web server. Column 11, lines 15-20 further reinforces the use of a "public staging area". Column 4, lines 58-64 and column 5, lines 15-24 teach that the website development system is connected to the Internet. Furthermore, Appellant failed to explicitly define anywhere in the specification what is a "live server" or a "live Web server."

Appellant argues that Nakano fails to disclose a staging folder on a live server. Column 2, lines 48-52 disclose the creation of staging areas. Column 6, lines 7 – 11 describe the makeup of the various

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areas of Nakano. Column 6, lines 26-39 disclose the greater details of a staging area. Column 6, lines 40-58 disclose how the content is stored in the staging folders. Column 6, lines 45-47 disclose the sharing of directory trees, which is a default directory listing.

Appellant argues that Nakano fails to disclose detecting an index page of the live server. Column 22, lines 21-29 clearly show the presence of an index file. Column 22, lines 44-45 further teach the use of index files. The URL request in these passages is clearly for the detection of an index file.

Appellant argues that Nakano fails to disclose creating a staging folder within a file system of the live server, wherein the staging folder does not default to a directory listing of said file system when accessed. Column 11, lines 15-20 further reinforces the use of a "public staging area". Column 4, lines 58-64 and column 5, lines 15-24 teach that the website development system is connected to the Internet. Furthermore, Appellant failed to explicitly define anywhere in the specification what is a "live server" or a "live Web server."

Appellant argues that Nakano fails to disclose inserting a randomized string into a name of said file assets to be staged. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8, lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID.

Appellant argues that Nakano fails to disclose storing said file assets in said staging folder. Column 6, lines 40-58 disclose how the content is stored in the staging folders

Appellant argues that Nakano fails to disclose communicating said name with said inserted randomized string to a reviewing party. Column 6, lines 45-51 discloses that only when content is marked as final is it available to the internet. This implies that it must be approved before being published. See further column 7, lines 1-7. Each work area has generation IDs as in column 8, lines 18-37 and 52-62. The randomized generation ID is taught in column 8, lines 52-62.

Appellant argues that Nakano fails to disclose creating a temporary folder to a root directory of said live server. Column 11, lines 15-20 further reinforces the use of a "public staging area". Column 4, lines 58-64 and column 5, lines 15-24 teach that the website development system is connected to the

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Internet. Furthermore, Appellant failed to explicitly define anywhere in the specification what is a "live server" or a "live Web server."

Appellant argues that Nakano fails to disclose writing a page of content to said temporary folder according to one of a plurality of standard addresses. The standard addresses are taught in column 22, lines 21-67.

Appellant argues that Nakano fails to disclose attempting to access said temporary folder over hypertext transfer protocol HTTP from said server. Column 22, lines 1-2.

Appellant argues that Nakano fails to disclose writing said page of content to said temporary folder using another of said plurality of standard addresses when said file cannot be read in said attempting step. The standard addresses are taught in column 22, lines 21-67. Each generation ID is unique as in column 8, lines 52-62. Each file has a unique ID. Column 8, lines 18-30. The HTTP request will look up IDs. Column 22, lines 46-67. If the ID is not unique, then the generation ID must be created to make it unique. Therefore each file will have a different standard address.

Appellant argues that Nakano fails to disclose validating said one or said plurality of standard addresses when said index page is read back in said attempting step. The validation of the standard address is part of the HTTP request. See column 24, lines 4-10 for an example of determining if the request is proper.

Appellant argues that Nakano fails to disclose wherein said plurality of standard addresses is stored on a memory accessible by a development environment. Column 6, lines 12-25 disclose that all developers can access the files. The file addresses are taught in column 22, lines 21-67.

Appellant argues that Nakano fails to disclose generating a blank index file named according to said detected index file. This is the hidden directory of the staging folder. Column 11, lines 15-20 further reinforces the use of a "public staging area".

Appellant argues that Nakano fails to disclose storing said blank index file in said staging folder, wherein said blank index file inhibits default directory listing of said staging folder in said file system. This is the hidden directory of the staging folder. Column 11, lines 15-20 further reinforces the use of a "public staging area". Column 6, lines 45-51 discloses that only when content is marked as final is it available to

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the internet. This implies that it must be approved before being published. See further column 7, lines 1-7. Each work area has generation IDs as in column 8, lines 18-37 and 52-62. The randomized generation ID is taught in column 8, lines 52-62.

Appellant argues that Nakano fails to disclose determining a length of said randomized string, wherein said length corresponds to a desired level of security. This is the generation of the generation ID. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8, lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID.

Appellant argues that Nakano fails to disclose detecting, in a file system of a Web server, an index of said Web server. Column 22, lines 21-29 clearly show the presence of an index file. Column 22, lines 44-45 further teach the use of index files. The URL request in these passages is clearly for the detection of an index file.

Appellant argues that Nakano fails to disclose generating, in said file system of said Web server, a staging folder. Column 2, lines 48-52 disclose the creation of staging areas. Column 6, lines 7 – 11 describe the makeup of the various areas of Nakano. Column 6, lines 26-39 disclose the greater details of a staging area. Column 6, lines 40-58 disclose how the content is stored in the staging folders. Column 6, lines 45-47 disclose the sharing of directory trees, which is a default directory listing.

Appellant argues that Nakano fails to disclose storing, in said staging folder, said file assets to be staged according to names that include a random string, wherein said file assets are served by said Web server to users accessing said staging folder. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8, lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID.

Appellant argues that Nakano fails to disclose inhibiting listing of said staging folder in a default directory listing of said file system by said Web server. Column 8, lines 15-17 emphasize that the copy made is a virtual copy, not a real copy available on the internet. Only when the content is approved as

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final (column 6, lines 40-51) is it made available to the internet. Since the content in the staging available is not available, the staging folder is not discoverable through a default directory listing.

Appellant argues that Nakano fails to disclose creating a temporary folder in said root directory. Column 2, lines 48-52 disclose the creation of staging areas. Column 6, lines 7 – 11 describe the makeup of the various areas of Nakano. Column 6, lines 26-39 disclose the greater details of a staging area.

Appellant argues that Nakano fails to disclose writing a test file to said root directory using one of a plurality of standard index locations. This is the hidden directory of the staging folder. Column 11, lines 15-20 further reinforces the use of a "public staging area".

Appellant argues that Nakano fails to disclose requesting access to said test file from said Web server. Column 22, lines 1-2.

Appellant argues that Nakano fails to disclose writing said test file to said temporary folder using another of said plurality of standard index locations when said test file cannot be accessed during said requesting. The standard addresses are taught in column 22, lines 21-67. Each generation ID is unique as in column 8, lines 52-62. Each file has a unique ID. Column 8, lines 18-30. The HTTP request will look up IDs. Column 22, lines 46-67. If the ID is not unique, then the generation ID must be created to make it unique. Therefore each file will have a different standard address.

Appellant argues that Nakano fails to disclose certifying said one of said plurality of standard index locations when said test file is accessed during said requesting. The certification of the standard address is part of the HTTP request. See column 24, lines 4-10 for an example of determining if the request is proper.

Appellant argues that Nakano fails to disclose storing said plurality of standard addresses on a memory accessible by a development environment. Column 6, lines 12-25 disclose that all developers can access the files. The file addresses are taught in column 22, lines 21-67.

Appellant argues that Nakano fails to disclose creating an empty index named according to said detected index. This is the hidden directory of the staging folder. Column 11, lines 15-20 further reinforces the use of a "public staging area".

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Appellant argues that Nakano fails to disclose storing said empty index in said staging folder, wherein said empty index inhibits said listing of said staging folder in said default directory listing of said file system by said Web server. Column 8, lines 15-17 emphasize that the copy made is a virtual copy, not a real copy available on the internet. Only when the content is approved as final (column 6, lines 40-51) is it made available to the internet. Since the content in the staging available is not available, the staging folder is not discoverable through a default directory listing.

Appellant argues that Nakano fails to disclose wherein a length of said random string is determined, wherein said length corresponds to a desired level of security. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8, lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID. A length is any length of characters, and is not limited to a specific, distinct number of characters.

Appellant argues that Nakano fails to disclose scanning said live Web server for an index file. Column 22, lines 21-29 clearly show the presence of an index file. Column 22, lines 44-45 further teach the use of index files. The URL request in these passages is clearly for the detection of an index file.

Appellant argues that Nakano fails to disclose opening a review folder in a file system of said live Web server. Column 2, lines 48-52 disclose the creation of staging areas. Column 6, lines 7 – 11 describe the makeup of the various areas of Nakano. Column 6, lines 26-39 disclose the greater details of a staging area. Column 6, lines 40-58 disclose how the content is stored in the staging folders. Column 6, lines 45-47 disclose the sharing of directory trees, which is a default directory listing.

Appellant argues that Nakano fails to disclose creating a blank index on said review folder, wherein said blank index is named according to a name of said index file, wherein said blank index inhibits listing by said Web server of said review folder in a default directory listing of said file system. This is the hidden directory of the staging folder. Column 11, lines 15-20 further reinforces the use of a "public staging area".

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Appellant argues that Nakano fails to disclose storing said proposed file content in said review folder, wherein a randomized string is included in a file name representing said proposed file content, and wherein said proposed file content is served by said Web server to users accessing said file name. Column 6, lines 40-58 disclose how the content is stored in the staging folders. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8, lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID. A length is any length of characters, and is not limited to a specific, distinct number of characters.

Appellant argues that Nakano fails to disclose sharing said file name with a reviewing user. Column 6, lines 45-51 discloses that only when content is marked as final is it available to the internet. This implies that it must be approved before being published. See further column 7, lines 1-7. Each work area has generation IDs as in column 8, lines 18-37 and 52-62. The randomized generation ID is taught in column 8, lines 52-62.

Appellant argues that Nakano fails to disclose creating a temporary folder on said web root of said Web server. Column 2, lines 48-52 disclose the creation of staging areas. Column 6, lines 7 – 11 describe the makeup of the various areas of Nakano. Column 6, lines 26-39 disclose the greater details of a staging area. Column 6, lines 40-58 disclose how the content is stored in the staging folders. Column 6, lines 45-47 disclose the sharing of directory trees, which is a default directory listing.

Appellant argues that Nakano fails to disclose retrieving a first index address from a plurality of standard index addresses. The standard addresses are taught in column 22, lines 21-67.

Appellant argues that Nakano fails to disclose writing a test document to said temporary folder using said first index address. The standard addresses are taught in column 22, lines 21-67. Each generation ID is unique as in column 8, lines 52-62. Each file has a unique ID. Column 8, lines 18-30. The HTTP request will look up IDs. Column 22, lines 46-67. If the ID is not unique, then the generation ID must be created to make it unique. Therefore each file will have a different standard address.

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Appellant argues that Nakano fails to disclose requesting said test document from said live Web server over hypertext transfer protocol. Column 22, lines 1-2.

Appellant argues that Nakano fails to disclose marking said first index address valid when said test document is retrieved during said requesting step. The validation of the standard address is part of the HTTP request. See column 24, lines 4-10 for an example of determining if the request is proper.

Appellant argues that Nakano fails to disclose retrieving a next index address from said plurality of standard index addresses when said test document is not retrieved during said requesting step.

Appellant argues that Nakano fails to disclose writing said test document to said temporary folder using said next index address. The standard addresses are taught in column 22, lines 21-67. Each generation ID is unique as in column 8, lines 52-62. Each file has a unique ID. Column 8, lines 18-30. The HTTP request will look up IDs. Column 22, lines 46-67. If the ID is not unique, then the generation ID must be created to make it unique. Therefore each file will have a different standard address.

Appellant argues that Nakano fails to disclose requesting said next test document from said live Web server. Column 22, lines 1-2.

Appellant argues that Nakano fails to disclose marking said next index address valid when said test document is retrieved during said requesting said next index step. The validation of the standard address is part of the HTTP request. See column 24, lines 4-10 for an example of determining if the request is proper.

Appellant argues that Nakano fails to disclose repeating from said retrieving said next index step when said next test document is not retrieved during said requesting said next index step. The standard addresses are taught in column 22, lines 21-67. Each generation ID is unique as in column 8, lines 52-62. Each file has a unique ID. Column 8, lines 18-30. The HTTP request will look up IDs. Column 22, lines 46-67. If the ID is not unique, then the generation ID must be created to make it unique. Therefore each file will have a different standard address.

Appellant argues that Nakano fails to disclose determining a level of security for said proposed file content. The level of security is the randomized generation ID. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8,

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lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID. This is a "number of characters", and the "number of characters" is not required to be a set, specific length by the claim.

Appellant argues that Nakano fails to disclose establishing a number of characters for said randomized string responsive to said determined level of security. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8, lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID. This is a "number of characters", and the "number of characters" is not required to be a set, specific length by the claim.

Appellant argues that Nakano fails to disclose generating a random character for each of said number of established characters. Column 8, lines 18-37 disclose the creation of a generation ID to disclose each edition of a website and specific area relations. Column 8, lines 34-37 teaches the generation ID is a unique set of numbers. Column 8, lines 45-62 teach the generation ID is created by random generation of unique numbers associated with a related generation ID.

Appellant argues that Nakano fails to disclose said staging folder is not discoverable through a default directory listing of said file system by said server. Column 8, lines 15-17 emphasize that the copy made is a virtual copy, not a real copy available on the internet. Only when the content is approved as final (column 6, lines 40-51) is it made available to the internet. Since the content in the staging available is not available, the staging folder is not discoverable through a default directory listing.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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/Jeffrey R. Swearingen/

Examiner, Art Unit 2445

Conferees:

/Jason D Cardone/

Supervisory Patent Examiner, Art Unit 2445

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